MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	**AUTHORITY**		
DATE:	**26 JANUARY 2017**	**REPORT NO:**	**CFO/007/17**
PRESENTING OFFICER	**CFO DAN STEPHENS**		
RESPONSIBLE OFFICER:	**DCFO PHIL GARRIGAN**	**REPORT AUTHOR:**	**COLIN SCHOFIELD**
OFFICERS CONSULTED:	**STEWART WOODS, HEAD OF ESTATES**		
TITLE OF REPORT:	**PROPOSED NEW COMMUNITY FIRE STATION AT SAUGHALL MASSIE, WIRRAL**		

APPENDICES:	

Purpose of Report

1. To advise Members of the decision of Wirral Borough Council's Planning Committee to refuse planning permission for the building of a new community fire station in Saughall Massie, and to ask Members to note the approach taken by officers in order to deliver the Authority approved station merger proposals as per CFO/058/15.

Recommendation

2. That Members:

   a. Note the decision of Wirral Borough Council Planning Committee to refuse planning permission for the new community fire station at Saughall Massie, Wirral;

   b. Note that in order deliver the Authority approved station merger at Saughall Massie it is the intention of officers to appeal the decision to the Secretary of State via the Planning Inspectorate;

   c. Note that in order deliver the Authority approved station merger at Saughall Massie it is the intention of officers to submit a revised planning application addressing the specific reasons for refusal; and

   d. Note and be aware of the possible consequences to the residents of West Wirral as a result of the decision of the Planning Committee.

Introduction and Background

3. At its meeting on 30th June 2015, the Authority considered reports CFO/059/15 Wirral Fire Cover Consultation 2 Outcomes and CFO/058/15 Operational Response Savings Options for West Wirral 2015/16 and resolved, inter alia, that:

   a) The merger of Upton and West Kirby fire stations at a new station on Saughall Massie Road, subject to agreement from Wirral MBC to transfer ownership of the land to the Authority and the granting of planning permission, be approved.

   b) The relocation of the West Kirby fire appliance to Upton to be crewed wholetime retained as an interim measure prior to the construction of the new station, be approved.

   c) The Capital Programme be amended to incorporate the Saughall Massie fire station scheme; and

   d) Delegated authority be granted to the Chief Fire Officer to continue discussions with partners, including Merseyside Police and North West Ambulance Service, with a view to sharing the new building.

4. Consequently work commenced to design a new community fire station on land at Saughall Massie Road, Saughall Massie. The site, owned by Wirral Borough Council, is located within, albeit on the edge of, the designated Green Belt, adjacent to residential development.

5. A pre-application was submitted to Wirral Borough Council on 8th October 2015 and a meeting held with Wirral planning officers to discuss the pre-application on 8th November 2015. As a result of the meeting and subsequent correspondence, the building design and site layout plans were modified to take account of comments received. Of particular importance was the clear message that any development on Green Belt land is automatically considered inappropriate development and the only way that approval was likely to be obtained is by demonstrating 'Very Special Circumstances'. This needed to focus on the operational rationale for choosing the Saughall Massie site.

6. Significant work was undertaken to demonstrate Very Special Circumstances culminating in the production of a document entitled 'Analysis of Response Times within the West Kirby and Upton station areas' which was submitted as part of the planning application.

7. A sequential assessment of all the sites that were considered by officers was also produced. This detailed the pros and cons of each site considered and was also incorporated into the overall Planning Statement. This was the main document submitted justifying the choice of site and covering planning and operational issues.

8. All necessary noise, traffic, transport, ecological and environmental assessments were carried out as part of the application process. However, submission of the application had to be delayed as, because of the location of the proposed fire

station, an ecological survey had to be carried out specifically to establish the presence, or otherwise, of any protected species. Of particular interest at this site, as it is within 200m of a pond, was the Great Crested Newt. It is a legal requirement that this survey was carried out as without it, the application would have been deferred. The survey could only be carried out when the weather was above a certain temperature and consequently the survey could not be carried out until April and May 2016. No Great Crested Newts were found during the survey. Unfortunately, Merseyside Environmental Advisory Service, a statutory consultee contacted by Wirral planners, suggested that the survey was incomplete as it had missed a pond. However, they were working off an old map and the pond referred to had long dried up. This caused further delays as the Authority's surveyors had to return to site and take photographs to prove the pond no longer existed.

9. The planning application (reference APP/16/00985) was finally submitted to Wirral Borough Council on 15th July 2016.

10. The planning application generated interest in the local press and attracted 559 objectors and 40 supporters. The local ward councillors also encouraged local residents to sign a petition objecting to the proposal. This petition, signed by 3112 people, was submitted to Wirral Borough Council and was considered by the Planning Committee.

11. Following the 13 week consultation period, the application was scheduled to go to Wirral Planning Committee on 20th October 2016 for consideration. Officers from Wirral subsequently advised that consideration of the application would be deferred for a site visit so it was agreed that the report would go to 17th November 2016 Planning Committee with a site visit taking place beforehand. However, the Planning Committee scheduled for that date was brought forward to 10th November 2016 leaving no time for a site visit to be arranged before the meeting. The report of Wirral Officers, which recommended approval of the planning application, was deferred by Wirral Planning Committee on 10th November for a site visit which took place on 13th December 2016. The report was then submitted to Planning Committee for decision on 15th December 2016.

<u>Planning Committee 15th December 2016 Outcome</u>

12. At the Planning Committee on 15th December 2016, the report on the Saughall Massie planning application was considered as first substantive item on the agenda due to the number of people in the public gallery who had attended for this item. In accordance with Wirral Council's 'Code of Conduct for Members and Officers Dealing With Planning Matters' the lead petitioner objecting to the grant of planning permission was offered the opportunity to address the Planning Committee in support of the petition. One of the ward councillors advised that no representative of the petitioners wished to address the Committee.

13. As a direct result, and having regard to Wirral Council's 'Code of Conduct for Members and Officers Dealing With Planning Matters' the Chief Fire Officer, as applicant, was not permitted to address the Planning Committee to explain why

the application was being made and to set out the consequences of refusal to the communities of West Wirral (see below).

14. A local ward councillor addressed the Planning Committee for nearly 20 minutes setting out why he felt the application should be refused.

15. The Chief Fire Officer was not given the opportunity to correct the numerous factual inaccuracies advanced by the ward councillor. In order to ensure an accurate position is represented in respect to the application it is felt appropriate to address some of those inaccurate comments within this report.

16. The ward councillor referred on several occasions to Upton fire station being a "fall back" location, citing comments previously made by the Authority and Chief Fire Officer that should the planning application not be agreed, West Kirby would close and people living in the current West Kirby station area would receive a response from Upton. From this he concluded incorrectly that Upton was in fact a suitable location for the whole of West Wirral and that a new fire station at Saughall Massie was not required. As will be clear from the content of this report and was implicit within the planning application, this is not the case. Closing West Kirby and responding only from Upton would provide a worse service to West Kirby than responding from a new station at Saughall Massie. Full details were also provided in the application regarding the other sites considered and one referred to by the councillor was ruled out because it was too close to the current Upton station and as a result would not deliver the benefits that building at Saughall Massie would.

17. Statements made about a perceived detrimental impact on Arrowe Park Hospital are also spurious. As the Chief Fire Officer has stated many times, Arrowe Park Hospital is an extremely well-managed property, with staff specifically employed to focus on fire safety. The significant risk to life is in people's own homes and adding two minutes to the attendance times on the West Kirby station area will put people's lives at greater risk.

18. In relation to the previous statement, the councillor made several comments that suggested that the anticipated longer attendance times to the West Kirby station area from Upton (rather than Saughall Massie) were acceptable because they would be 'within national guidelines'. As Members will be well aware there are no national standards of fire cover as these were repealed in 2004. The only extant national guidelines are those set out in the Integrated Risk Management Plan Guidance note issue by Government in 2004 which are as follows;

    The government thinks that a modern and effective fire and rescue service should serve all sections of our society fairly and equitably by;

    i. reducing the number of fires and other emergency incidents occurring;
    ii. reducing loss of life in fires and other emergency incidents;
    iii. reducing the number and severity of injuries occurring in fires and other emergencies;

iv. reduce the commercial, economic and social impact of fires and other emergency incidents;

v. safeguarding the environment and heritage (both built and natural); and providing communities with value for money.'

19. Members will note that this extant guidance is clear that all sections of society should be served fairly and equitably which is the fundamental tenet of this proposal. Members will also note that the reduction of loss of life, quite understandably, occupies a more prominent position in this hierarchy than the safeguarding of the environment.

20. The councillor made comments about the reduction in the number of incidents (which has occurred in both station areas) and the higher volume of incidents in Upton. This matter is dealt with later on in this report, but in short, a fire station needs to be best placed to respond as quickly as possible to life risk incidents wherever they might occur, which will not be the case if the residents of West Kirby receive their response from Upton. The councillor also stated that moving the station two minutes nearer West Kirby would move it two minutes further away from Upton.

21. Saughall Massie Road is located on the current Upton station area. That being so the relocation moves the station closer to parts of Upton and Greasby and all of Moreton, Saughall Massie and Frankby thus reducing even further the already fast response times to those areas.

22. The overall average response to the Upton station area from Saughall Massie Road would increase by less than one minute compared to the response from Upton; however this would still be over one minute faster than the Merseyside average.

23. Finally, the councillor made several references to Thingwall, Irby and Pensby as if they would be negatively affected by the planning application. All three are on the Heswall station area and therefore the first response is unaffected by this proposal.

24. The Planning Committee then debated the report and proposals, and Members asked questions of the lead Planning Officer, including questions relating to operational response which the officer was not able or qualified to answer.

25. The Chief Fire Officer was not given the opportunity to respond to any of these questions.

26. Following the debate and consideration of Motions, the Planning Committee agreed to refuse the application for the following reasons; 'Having regards to the location of the development proposed and the proximity to residential properties and the nature of the activities proposed, particularly with regards to the sudden and/or emergency nature of the activities, together with the character of the local highway network, the Council considers that the proposal would result in harm to the visual amenities of the Green Belt, the character of the area and the

amenities of neighbouring residents and the wider locality. Therefore, the development would be contrary to Policy GB2 of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework'.

In response

27. There are three possible options open to the Authority as a result of refusal of planning permission.

28. The first is to accept the decision of the Planning Committee which effectively results in the outright closure of West Kirby. Whilst this would undoubtedly be, and always has been, a far easier course of action this is not considered a valid option for the reasons detailed within this report.

29. The second option is to appeal the decision to the Secretary of State via the Planning Inspectorate. There is a six month window following the date of refusal for any appeal to be lodged. There are costs associated with this option in terms of legal representation estimates of which are set out in the Financial Implications section below.

30. The third option is to resubmit the planning application addressing, as far as possible, the reasons for refusal. Any resubmission has to be made within six months of the date of refusal. There is no fee to be paid to Wirral Borough Council for a resubmission but there will be costs associated with redesign and production of new plans etc. Estimates are set out in the Financial Implications section below. It is hoped that, if a revised application is submitted, the Chief Fire Officer will be given the opportunity to address the Planning Committee when any report is considered.

31. Options two and three are not mutually exclusive and can be undertaken concurrently. Officers are currently exploring an appeal to the Secretary of State and a revised planning application.

Implications of Refusal of Planning Permission

32. As Members are only too well aware, the background to the application is that this option results in the least impact on response times for fire appliances to attend incidents such as property fires and road traffic collisions that pose a significant risk to life for people in West Wirral, from any of the options available to the Authority. The Authority accepts that there are no options available that do not adversely affect response times to life risk incidents

33. As a result of the ongoing cuts to its budget the Authority can no longer afford to crew the two existing stations at Upton and West Kirby. The cuts that necessitated this option date back to 2015/16. Of the two stations Upton provides a more extensive response coverage due to the proximity of West Kirby to the coastline. It is for this reason that Upton is designated as a key station and would therefore be the station that remains open, should the planning application for a new station at Saughall Massie Road still not be approved. However, it is important to stress that this is not a preferred or "fall back" option and that

Saughall Massie would become the key station should the planning application ultimately be approved. The volume of calls in the existing Upton and West Kirby station areas is very low. The difference is largely due to more anti-social small fires and Unwanted Fire Signals occurring on the Upton station area. Expressed simply the Upton station area is less quiet than the West Kirby station area. In risk assessment terms the likelihood of a life risk incident is thankfully low on both areas (and indeed across Merseyside). The potential severity however is high as demonstrated by the tragic incident in which two people lost their lives at a property fire in West Kirby in March 2016.

34. It is essential to understand that the outright closure of West Kirby and subsequent response from Upton would significantly increase the average response times to fires, RTC's and other emergencies where people may require rescue in the West Kirby station area (which extends from Caldy to Meols and includes Hoylake and Newton).

35. Moving the station from Upton to Saughall Massie Road would reduce response times to the West Kirby station area by an average of 2 minutes bringing response times to that area much closer to the Merseyside average.

36. As stated earlier in the report Saughall Massie Road is located on the current Upton station area. The average response to the Upton station area from Saughall Massie Road would increase by less than one minute compared to the response from Upton, however this would still be over one minute faster than the Merseyside average. In simple terms this is the equivalent of moving from extremely fast response times to very fast response times.

37. All of the available research identifies that there is a relationship between survivability and response times. Expressed simply, the faster the fire crew can arrive and intervene at an incident the greater the likelihood that persons involved will survive. This can be measured in seconds rather than minutes, so a delay of 120 seconds could easily make the difference between someone surviving in a life risk incident, or not.

38. Survivability decreases significantly beyond 10 minutes. There are parts of the West Kirby station area (including within Hoylake and Meols) that cannot be reached from Upton fire station in 10 minutes. The average response time to the West Kirby station area from Upton is in excess of 8 minutes, which is 3 minutes longer than the Merseyside average and much closer to 10 minutes than almost everywhere else on Merseyside. These figures do not include call handling times which would add on average an additional minute to the overall response time.

39. Whilst the Authority adopted a 10 minute response standard in 2013, as a direct result of the cuts to its budget, in no way is the aspiration to take 10 minutes to attend a life risk incident. To the contrary, on Wirral and across Merseyside the Authority has pursued all available means to maintain average response times to life risk incidents as close to 5 minutes as possible. The effect of the decision of the Planning Committee in a response context would be for the Authority to deliver all of the operational response savings for 2017-20 through the outright closure of Birkenhead, Heswall and Wallasey. In these circumstances the

remaining two stations on the Wirral, Bromborough and Upton, would deliver a 10 minute response on 90% of occasions which is the current position for West Kirby. Members should note that to optimise coverage in this model the station at Upton would still be moved to Saughall Massie Road. For the avoidance of any doubt this is not a position that the Chief Fire Officer would recommend.

40. The unfortunate reality is that whatever the outcome of the planning application, life risk incidents will continue to occur on the West Kirby station area, some of which will invariably result in fatalities.

41. All fatalities are subject to an inquest presided over by a Coroner. In determining the reasons for a fatality the Coroner considers facts. What a Coroner does not consider, and will not tolerate, is uninformed rhetoric, sensationalisation or the advancement of factual inaccuracy. This was evidenced during the inquest into the double fatality which occurred at a fire in West Kirby in March 2016.

42. In some circumstances, for example in a fire where the fatality is in the room of origin and is physically impaired and therefore unable to escape, the response times of the Fire and Rescue Service may have little material effect on the outcome. However there will be, beyond any doubt, circumstances where the response times of the Fire and Rescue Service will absolutely have a direct effect on survivability. This is backed up by all of the available academic research as referenced within the planning application but will be self-evident in any event.

43. A Coroner has wide ranging powers. One such power is to make recommendations over preventable deaths (Regulation 28). It is the view of the Chief Fire Officer that the Authority must do all it can to demonstrate it has made every attempt to achieve the fastest response times achievable in the circumstances. It is a fact that the relocation of Upton to Saughall Massie Road achieves that outcome. Irrespective of the need to be able to demonstrate this at an inquest the reality is that Officers quite rightly have to provide answers to the families of the deceased over the Fire and Rescue Service response. Indeed, it is not uncommon for Officers to have significant involvement with families of persons who have tragically lost their lives in fire incidents in particular. In pursuing the options outlined in this report the Authority will be able to demonstrate to a Coroner and much more importantly the family of the deceased, that they will have done all they could to prevent the death of their loved ones.

Equality and Diversity Implications

44. The Equality Impact Assessment for the station mergers programme in general and the proposed new Saughall Massie community fire station in particular, have previously been submitted to the Authority. There is no update to the Equality Impact Assessment as a result of this report.

45. However, it is important to note the potential impact on the West Wirral community, particularly certain groups within the community that are at greater risk than others, should the planning permission continue to be refused.

Staff Implications

46. The implications for personnel, involving the net saving of 22 WTE firefighter posts from this merger, have been previously reported to the Authority and the financial savings anticipated have been now been realised through Firefighter retirements.

47. Members will be aware that one outcome of not replacing Firefighters as they retire in order to deliver the required savings, is that the Authority no longer employs sufficient numbers of Firefighters to crew the West Kirby fire appliance.

Legal Implications

48. The Clerk to the Authority will instruct appropriate specialist legal representation for the Authority to assist with the appeal to the Secretary of State via the Planning Inspectorate.

49. A formal pre-construction services agreement was entered into with Wates for the initial planning application. If approved, a further formal pre-construction services agreement will be entered into for the revised planning application.

Financial Implications & Value for Money

50. The cost of initial legal advice from Counsel about the likelihood of success in any appeal would be between £1,500 and £2,000.

51. The cost of legal preparation and representation from Counsel at an appeal (which may or may not be sent to a Planning Inquiry) would be between £35,000 and £47,000

52. The costs of producing the necessary documentation to support a revised planning application is estimated to be in the region of £56,000. This is to cover the architectural/planning consultancy/landscape/ecology/acoustic redesign costs, the structural/civil/transport redesign costs and a detailed lighting impact assessment to address the residents' concerns over light nuisance from the site generally and from exiting emergency and private vehicles.

53. These costs can be funded from the revenue budget where provision exists.

Risk Management, Health & Safety, and Environmental Implications

54. No new issues arising directly from this report. The previously produced reports that supported the initial planning application remain valid for any revised application.

Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

55. Whilst the proposed station merger will not improve operational cover in the West Wirral area, it is the least worst option to adopt in the circumstances and is seen as reasonable given the financial challenge faced by the Authority. A new fire station will however provide an improved working environment for firefighters.

BACKGROUND PAPERS

CFO/058/15 Operational Response Savings Options for West Wirral – 2015/16
CFO/059/15 Wirral Fire Cover Consultation 2 Outcomes

GLOSSARY OF TERMS

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